

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAN ROADHOUSE,

Plaintiff,

v.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, et al.,

Defendants.

2:09-CV-33 JCM (LRL)

ORDER

Presently before the court is defendants Raymond J. Flynn's, Douglas C. Gillespie's, Roderick Jett's, Las Vegas Metropolitan Police Department's, Mike McClarly's, Ted Moody's, and Bill Young's motion for district judge to reconsider the magistrate judge's minute order (doc. #102). (Doc. #108). The plaintiff has responded. (Doc. #117).

The disputed order mandated that defendant "Metro's document production shall include all arrestees booked between July 1, 2007[,] and July 1, 2009." (Doc. #102). The defendants object, alleging that the order is overly broad and constitutes an abuse of discretion. Specifically, the order compelling production involves a prospective class of persons not similarly situated with the plaintiff, and dissemination of the requested information will violate the arrestees' privacy rights, as recognized in Nevada Revised Statute Title 179A.

The district judge reviews determinations made by the magistrate judge under a clearly erroneous or contrary to law standard. 28 U.S.C. § 636(b)(1)(A); LR 3-1. "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence

1 is left with the definite and firm conviction that a mistake has been committed.” *U.S. v. U.S. Gypsum*
2 *Co.*, 333 U.S. 364, 395 (1948). Whereas the instant minute order involved discovery, the ruling must
3 comply with Federal Rule of Civil Procedure 26, which limits discovery to issues “relevant to the
4 claim or defense or any party” and not subject to privilege. FED. R. CIV. P. 26(b)(1).

5 The court concludes that the magistrate judge’s minute order is neither clearly erroneous nor
6 contrary to law. The court finds that the requested names are relevant both to the gathering of
7 witnesses and to the building of plaintiff’s class. Additionally, although the mandate is indeed broad,
8 the protective order (doc. #106) is sufficient to protect the privacy interests of affected individuals
9 where the matters discovered are not already part of the public record. Finally, the disclosure is
10 authorized by N.R.S 179A.100, which provides that “[r]ecords of criminal history must be
11 disseminated by an agency of criminal justice, upon request, to . . . persons and agencies authorized
12 by . . . court order.” N.R.S. 179A.100(7)(j).

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants’ motion to
15 reconsider the magistrate judge’s minute order (doc. #108) is DENIED.

16 DATED March 7, 2011.

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UNITED STATES DISTRICT JUDGE
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